

REMARKS

Claims 80 to 94 remain pending in the application.

Claims 80 to 94 are rejected under the doctrine of obviousness-type double patenting over claims 1 to 11 of commonly owned U.S. Patent No. 6,607,544 (the '544 Patent). A terminal disclaimer based on the '544 Patent is submitted herewith.

Entry of this amendment under 37 C.F.R. §1.116 is believed to be warranted because no claims are currently amended.

Applicant believes the case is now in condition for allowance and allowance of claims 80 to 94 is respectfully requested.

Respectfully Submitted,

By Patricia A. Limbach
Patricia A. Limbach
Registration No. 50,295

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

20 July 2005

Customer No.: 26308

Kyphon/15103 CON/050720 Amendment D

Enclosures: Amendment Transmittal Letter
 Terminal Disclaimer
 Return Postcard